

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

MONDAY - NOVEMBER 28, 2011 6 PM

TOWN HALL – JUDGE WELSH ROOM

Chairman Elaine Anderson convened the meeting at 6:00 PM noting the following:

Board of Selectmen attending: Elaine Anderson, David Bedard, Austin Knight, John Santos and David McChesney

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Town Counsel John Giorgio, Municipal Finance Director Dan Hoort

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

1A PUBLIC HEARING: TAX RATE CLASSIFICATION

Members Present: Principal Assessor Paul Gavin

Chairman Anderson read the public notice into the record.

No comments received from the public prior to this hearing.

Public Comments - None

On November 8, 2011, the Board of Assessors voted on the following:

- Not to recommend adoption of a Split Tax Rate for Fiscal Year 2012. (3-0)
- Not to recommend adoption of a Residential Exemption for Fiscal Year 2012. (3-0)
- Not to recommend adoption of a Small-Commercial Exemption for Fiscal Year 2012. (3-0)

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2012 property tax:*

1. *to establish a residential factor of "1" [a residential factor of "1" establishes a single tax rate for all classes of property; any other factor splits the tax rate between residential/open space and commercial/industrial/personal].*
2. *not to adopt a "residential exemption". [an exemption of up to 20% may be adopted, to shift the tax burden from residents to non-residents, within the residential class].*
3. *not to adopt a "small business exemption. [an exemption of up to 10% may be adopted, which shifts the tax burden from certain qualifying small businesses to all other commercial and industrial property]; and*
4. *to identify \$28,781.08 in unused property tax levy capacity.*

Motion by: David Bedard **Seconded By:** Austin Knight Yea 5 Nay 0

1B PUBLIC HEARING: GRANT APPLICATIONS

MCDBG FY 12 CDF

Present: Grant Administrator Michelle Jarusiewicz

Chairman Anderson read the public notice into the record.

Michelle Jarusiewicz – Went over the material attached to the agenda packet material and recommends that the Town of Provincetown submit a grant application under the FY 2012 Community Development Fund [CDF] grant program under the Massachusetts Community Development Block Grant (MCDBG) Program- due on Friday, December 16, 2011- for a North Union well field water transmission main and a resident services program, and to participate in the regional application through the Town of Truro for housing rehabilitation and childcare subsidies.

Water Transmission Main	\$635,000	
Resident Services Program	\$100,000	
General Administration:	\$65,000	Total = \$800,000

No public comments were received prior to this meeting.

Public Comments:

Chris Brooks questions what the grant would be used for?

John Economou, (The Community Builders for 90 Shank Painter Rd.), supports the resident services piece of this grant request. Similar programs elsewhere on the Cape have been very successful.

Board of Selectmen

David Bedard – On the residence service program, is it strictly going to be available to the residents of 90 and 83 Shank Painter or is it open to the general public? Answer: It is not open to the general public, only 90 & 83 Shank Painter and the other affordable rentals within the Community Housing Resources.

Austin Knight – When will this grant be awarded? Answer – April or May 2012

David Bedard recused himself from the vote as he is a direct abutter.

MOTION: *Move that the Board of Selectmen vote (1) to authorize the execution of a grant application under the Massachusetts Community Development Block Grant's Community Development Fund for approximately \$800,000 for a water transmission main and a resident services program and further; (2) to approve participation in the regional application through the Town of Truro for housing rehabilitation and childcare subsidies through the Massachusetts Department of Housing & Community Development.*

Motion by: Austin Knight **Seconded By:** John Santos Yea 4 Nay 0

1C **HARBOR PLAN**

Members Present: Town Counsel John Giorgio and Harbor Master Rex McKinsey

Harbor Committee Members: Chairman Gerry Irmer, Melville Cote, Roger Chauvette and Chris Brooke.

This has been a long time coming and the Harbor Committee voted to support 4-0.

Town Counsel John Giorgio - Town Counsel John Giorgio gave an update of the happenings between the Town, DEP, CZM and Cabral Enterprises and mentioned some minor changes, that just came before him today, to the plan that have been agreed upon by DEP, CZM, Town Counsel and Cabral Enterprises that being:

- 1) Page 23 – Suggestion by Mr. Lynch of DEP to add sentence – “New development of track sheds and other uses should not unduly constrain public pedestrian access.”
- 2) In the next paragraph – at the very end - add “as long as existing water dependent uses are not disrupted.”
- 3) Bottom of Page 49 & top of page 50 – Technical Changes from the carry-over paragraph. Take out the reference to the mini loop – and just call it an “area”.
- 4) Page 50 – typo – word “with” – should be “within”.

The Ch 91 fee has been resolved at \$205,500. Harbor Plan recognizes that accessory uses (retail, restaurant, etc) could be permitted that support the viability of water dependent uses.

MOTION: Move that the Board of Selectmen vote to approve the Master Harbor Plan dated November 28, 2011; with the changes so noted and approved as to form by Town Counsel.

Motion by: Austin Knight Seconded By: David Bedard Yea 5 Nay 0

Elaine Anderson – read comments into the record. (See attachment #2)

1D JOINT MEETING WITH PROVINCETOWN PUBLIC PIER CORP

Members Present: Chair Lee Ash, Carlos Verde, Richard Wood and Harbor Master Rex McKinsey.

Chairman Lee Ash read statement into record. (See attachment #1)

PPPC voted earlier tonight to support the Police Chief’s proposal to address security issues on the Pier. Program will be a pilot program to be evaluated and adopted as needed. The budget for the program will exist within the Police budget. Marine patrol officers will report to the Harbormaster and deal with any non-maintenance issues on the pier. Savings to the Pier budget will be directed to a maintenance reserve.

Austin Knight wants to see the budget costs and wants a discussion of possible offset with the PPPC budget.

David Bedard - Disagrees and thinks the public safety costs should be born by the police budget and would like to see the PPPC budget reviewed to allow them to address future maintenance and capital improvements by transferring the personnel cost savings to a capital reserve. Pier has had a structural deficit from its inception.

Chief Jaran and Town Manager Sharon Lynn have been meeting with the Directors of the Provincetown Public Pier Corporation since September 2011 for the purpose of reviewing information with them regarding activities at the Pier during the summer months when there have been incidents of concern requiring the immediate attention from an on duty police officer.

David Bedard – In talking about police presence on the pier, I think we need to remember that the Asst. Harbormasters now do not have the authority to ticket or arrest anyone. I think it is imperative to have police presence on the Pier. Also, I am in agreement with the Pier Corp that funding should come out of the Police Department budget. The Pier Corp has no money to put aside for a maintenance plan. They have been struggling for years. The way it has been

set up – it's in a structurally deficit. It will never have enough money to do any major construction on the Pier. Because of the way it was originally set up, the Pier Corp is going to have to come before the town and ask for a 2 ½ override to do any major repairs to the Pier. It is not the Pier Corp fault – it is the way it was set up. I think we need to start addressing how much money they have and what their funding source is. This is an opportunity for us to correct some of that deficit. It started with the construction of the Pier when the town suddenly decided to remove the wave attenuation but never addressed the construction of the floating dock. So what is happening is that the floating docks are falling apart and there is no money set aside to replace them. It would be nice to have Assistant Harbormasters that are able to do the maintenance and not directing traffic all day long. I think this is a perfect time to address these issues.

Elaine Anderson - I certainly feel optimistic about the cooperative venture, and agree that public safety is a priority when you have such an active and busy pier, especially in the summer.

Board of Selectmen polled its members to endorse the proposal to increase a public safety presence on the Pier to be funded through the Police budget.

1E CAPTAIN BERTIE'S WAY TRAFFIC STUDY

Members Present: Cape Cod Commission. Technical Services Director Mr. Glen Cannon.

The Town of Provincetown requested Cape Cod Commission technical assistance relative to extending the existing Captain Bertie's Way through an existing town parking lot (at the Provincetown High School) to Prince Street.

Cape Cod Commission Glen Cannon presented his traffic report on potential improvements to the Grace Hall Parking Lot including proposals to open up Capt Bertie's Way as a thru street. The parking lot currently has circulation and public safety hazards which need to be addressed. Opening up Capt Bertie's as a thru street would need to mitigate those hazards. The proposals would reduce the amount of parking spaces currently in the lot.

The three alternatives are as follows with Mr. Cannon's recommendation for Alternative #3.

Alternative 1 – Extending Captain Bertie's Way as a two-way street to Prince Street – requiring a land transfer between the private land owner and the Town. This plan would include a five (5) foot separation between the proposed roadway and the rear door of the High School and a two-way roadway on the South side of the parking lot (towards the Center for Coastal Studies). This alternative would allow for sixty five (65) parking spaces.

Alternative 2 – Extending Captain Bertie's Way as a two-way street to Prince Street would include a five (5) foot separation between the proposed roadway and the rear door of the High School and a two-way roadway down the middle of the parking lot. This alternative allows for sixty (60) parking spaces within the park lot and additional landscaping.

Alternative 3 – The Commission staff considered installing a speed table behind the High School to alert drivers of the potential for pedestrians (from the High School and in the parking lot) as well as the awareness of the potential conflicts with vehicles backing out of the parking lot.

Recommendations: The Cape Cod Commission staff recommends increasing the awareness of pedestrians within the parking lot behind the High School; as well as separation between

the rear door and the parking lot or installing of a speed table.

Austin Knight – Would be challenging to the town to give up parking spaces.

David Gardner - There is potential for improving the circulation patterns without losing parking spaces.

Elaine Anderson – Something for us to think about.

David McChesney – We ought to consider bicycles as well. Do it right once and not piece meal.

MOTION: Move that the Board of Selectmen vote to ask town staff to pursue the installation of speed table, (Alternative 3) in the Grace Hall Parking Lot as presented in the report by Cape Cod Commission.

**Motion by: David Bedard Seconded By: Elaine Anderson
Yea 3 Nay 2 (Austin Knight / David McChesney)**

2. **PUBLIC STATEMENTS** - None

3. **SELECTMEN STATEMENTS**

David McChesney

Licensing Board never came back for rates? Are they coming back? David Gardner – They are doing research that the Selectmen ask for, and I will get back to the Board on this.

Did we ever get a total from the Beaux Arts Ball? Answer – Not as of yet. It's in the works.

John Santos

Thanks to staff for removing signs in front of the Library. When are the bathrooms open? The same hours the Library is open? This sign needs to be checked out.

Should think about how many signs we can get off Commercial Street in order for DPW to do snow plowing.

Austin Knight

Address the removal of cars on Ryder Street and in front of Town Hall for snow removal.

David Bedard – None **Elaine Anderson** - None

4A **BOARD OF SELECTMEN'S APPOINTMENTS**

MOTION: Move that the Board of Selectmen vote to appoint Judith Cicero as a Regular Member of the Community Preservation Committee with an expiration date of June 30, 2013.

Motion by: Austin Knight Seconded By: John Santos Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to reappoint the following volunteers to their respective Board and/or Committee for an additional three year term to expire on December 31, 2014:

Airport Commission Heath Gatlin and Michael Valenti – Regular
Art Commission James Bakker and Anton Haunstrup – Regular

Beautification Committee Mary Ann Powers, Barbara Rushmore and Ross Sormani, Regular
Council On Aging Florence Alexander –Regular
Board of Health Ken Janson and Mark Phillips – Regular
Historic District Commission Polly Burnell and John Dowd – Regular
Licensing Board Rebecca Matarazzi – Regular
Personnel Board Andrew Aull – Regular
Planning Board Dorothy Palanza – Regular
Recreation Commission Treg Kaeselau – Regular
Board of Registrars Olive Ahmuty – Regular
Water & Sewer Board George Haunstrup – Regular
Zoning Board of Appeals Robert Littlefield – Regular
Zoning Board of Appeals Harriet Gordon - Alternate

Motion by: Austin Knight Seconded By: John Santos Yea 5 Nay 0

4B TOWN MANAGER RE-APPOINTMENTS

These appointments by the Town Manager require approval of the Board of Selectmen, pursuant to MGL C.40, §8C, §8D and §8J and Charter §6-6-1 and §6-9-1.

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager’s reappointments for terms expiring December 31, 2014, as follows:*

- (a) *Jo-Ann DiOrio, Linda Loren and Teri Nezbeth to the Disability Commission, pursuant to M.G.L. c.40, §8J;*
- (b) *Lynne Martin, Dennis Minsky and Barbara Prato to the Conservation Commission, pursuant to M.G. L. c.40 §8C and Charter §6-6-1; and*
- (c) *Susan Avellar, Stephen Borkowski, Polly Burnell and Eric Dray to the Historical Commission, pursuant to M.G.L. c.40 §8D and Charter §6-9-1.*

Motion by: David Bedard Seconded By: John Santos Yea 5 Nay 0

5A TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE

Provincetown Business Guild – Annual Connecticut Gay Men’s Chorus

MOTION: *Move that the Board of Selectmen vote, pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer and wine service in the Town Hall Auditorium for the Provincetown Business Guild’s Connecticut Gay Men’s Chorus concert from 7:00 pm – 9:30 pm on Saturday, May 19, 2012, subject to the following conditions:*

1. *Provide copy of Commercial General Liability with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as “Additional Insured”.*
2. *Provide copy of Liquor Liability Coverage with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as “Additional Insured”.*
3. *Provide copy certificate of insurance showing that a Workers’ Compensation policy in effect. The Town would NOT be an additional insured on this policy.*
4. *Ensure that all bar tenders are TIPS trained.*

Motion by: Austin Knight Seconded By: John Santos Yea 5 Nay 0

5B TOWN HALL AUDITORIUM RENTAL UPDATE

Regulations For Public Use of Town Hall

The Selectmen last approved amendments to the Public Use of Town Hall Regulations on September 28, 2010, and at that time had requested a review after one year. Assistant Town Manager David Gardner summarized the activity in the auditorium over the past year, identified some management issues for discussion, and proposes some potential amendments to the regulations to be considered at a future public hearing.

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing on January 23, 2011 to consider amendments to the Regulations for the Public Use of Town Hall, including potential changes to the fee schedule.*

Motion by: John Santos **Seconded By:** Austin Knight Yea 5 Nay 0

5B PARADE PERMIT REQUEST - The Provincetown 10K Charity Race

MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Sean McCabe, on behalf of The Provincetown 10K Charity Race 4 Sunset Avenue #2, Jamaica Plain, MA 02130, to hold Fundraising Race to be held on Sunday, June 3, 2012 from 9:00 AM to 12:00 Noon.*

Motion by: David Bedard **Seconded By:** John Santos Yea 5 Nay 0

5D TREASURER'S TRANSFERS – Library Trust Funds

Attached is the authorized Voucher to pay this request totaling \$1,287.00 leaving a remaining balance in the Library Trust Funds of \$5,352.57.

Frances C. Gifford Fund \$1,515.60 - \$1,200.00 = \$315.60

Nancy Smith Fund \$ 785.18 - \$ 87.00 = \$698.18

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Trust Funds, pursuant to MGL C44 § 53A, to approve the use of \$1,287.00 from the Library Trust Funds to pay for the attached invoice(s).*

Motion by: Austin Knight **Seconded By:** David Bedard Yea 5 Nay 0

5E HOUSE BILL 1972 – ELECTIONS - Resolution

H1972 will increase voter turnout, reduce costs of elections by \$8 million, reduce voter fatigue, ensure that Massachusetts residents including military personnel residing overseas receive a ballot and the ballot is counted, and eliminate any voter being required to waive their right to a secret ballot.

Should this bill pass, the savings to the Town of Provincetown would be approximately \$2,000.00.

MOTION: *Move that the Board of Selectmen vote to send a Resolution in support of H1972 "An Act Regulating Election Primaries" now pending before the General Court at the State House to Representative Sarah Peake, State Senator Dan Wolf, and to the Joint Committee on Election Laws.*

Motion by: David Bedard **Seconded By:** John Santos Yea 5 Nay 0

6A TOWN MANAGER SHARON LYNN FOLLOW-UP

Review team for the Highway/Police met with 5 different firms. The committee has narrowed this down to two. I will be reviewing them and recommending one of those firms at your December 12, 2012, meeting.

**6B CONFLICT OF INTEREST LAW DETERMINATIONS (MGL C. 268A, §20)
Provincetown Volunteer Fire Department / Brian Alexander**

MOTION: *Move that the Board of Selectmen, vote pursuant to MGL C. 268A, § 20, make the determination that the financial interest of Volunteer Firefighter Brian Alexander is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.*

Motion by: David Bedard **Seconded by:** Austin Knight
Yea 4 Nay 1 (Elaine Anderson)

7. MINUTES OF BOARD OF SELECTMEN'S MEETING

MOTION: *Move that the Board of Selectmen vote to approve minutes of November 14, 2011 (Executive Session 4:30 PM) as printed.*

Motion by: David Bedard **Seconded By:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve minutes of November 14, 2011 (Water & Wastewater 5 PM) as printed.*

Motion by: David Bedard **Seconded By:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve minutes of November 14, 2011 (Regular Mtg. 6 PM) as printed.*

Motion by: David Bedard **Seconded By:** Austin Knight Yea 5 Nay 0

8. CLOSING STATEMENTS

David McChesney – None **John Santos** – None

David Bedard – None **Austin Knight** – None **Elaine Anderson** - None

Motion to adjourn by David Bedard at 9:06 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
November 30, 2011

Attachment #1 PPPC Lee Ash
Attachment #2 Comments by Chair Anderson